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With this Amendment and Response, Applicant has cancelled claim 2, and 9-14; amended claims 1, 4, 5 and 6; and added claim 15-23. Applicant brings to the Examiner's attention that Applicant had provisionally elected to cancel claims 9-14 during a January 15, 2002 telephone conversation regarding the restriction requirement. Applicant affirms without traverse this election to cancel claims 9-14 without prejudice to their consideration in a continuing application. Applicant believes that the currently pending claims are 1, 3-8, and 15-23.

The rejections under 35 U.S.C. §102

Claims 1-8 were rejected under 35 U.S.C. §102 as being unpatentable over U.S. Patent No. 5,967,133 to Gardner, Jr (hereafter "Gardner"). Applicant respectfully disagrees with these rejections as discussed below.

Applicants has amended claim 1 to include an *equilateral* triangle formed by lines connecting the first, second and third bore axes in a plane perpendicularly intersecting the first, second and third axes. Gardner does not teach said lines forming an *equilateral* triangle, nor does Gardner suggest such symmetrical geometry, because in Gardner, the bores are of different diameters, and are provided with various wall thicknesses. Gardner in fact teaches away from symmetrical geometry that would define the claimed equilateral triangle, because to modify the Gardner gun to have such geometry would require adding considerable mass to the gun, for instance by requiring radially distal repositioning of the first chamber (1), which would further require radially distal repositioning of the fourth chamber (4) (see Gardner, FIG. 2). Since

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Gardner does not teach or suggest all the elements of amended claim 1, Applicant respectfully requests withdrawal of the rejection of claim 1.

Since claim 3 depends from claim 1, Applicant respectfully requests withdrawal of the rejection of claim 3 for at least the reasons stated above.

Applicant has amended claim 4 to include the bolt in a different bore than the rod for actuating the bolt. In contrast, Gardner teaches placing the rod for actuating the bolt (26) directly behind the bolt (26), *in the same bore* (3) as the bolt (see Gardner, FIG. 1A). Gardner places the bolt (26) longitudinally serially with the rod for actuating the bolt (26). Since Gardner does not teach (or even suggest) all the elements of amended claim 4, Applicant respectfully requests withdrawal of the rejection of claim 4.

Claim 5 remains unamended since, as explained below, Gardner fails to teach at least four elements of claim 5. First, in Gardner there is no third member *coupled* to the bore (2) as required by claim 5; instead, the screw (as referred to in the Office Action) is coupled to a valve (16). Second, the screw does *not cover the opening* of a bore (2) as required by claim 5; instead, the screw covers only a portion of the valve (16) which is within a bore (2). Third, removal of the screw does *not permit removal* of the releasing mechanism (13) as required by claim 5, since the bottleneck created by the shoulder on the inner diameter of the bore (2) adjacent the piston second end (21(b)) prevents removal toward the right in FIG. 3. Indeed, the only way to remove Gardner's second member (13) is from the end of the bore (2) on the left of FIG. 3 and opposite the third member (screw). Fourth, since removal of the screw does not permit removal of the releasing mechanism (13), the valve (16) *cannot be retained* by releasing mechanism (13) after

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removal of the valve (16) and screw. Since Gardner does not teach all the elements of claim 5, Applicant respectfully requests withdrawal of the rejection of claim 5.

In addition, Applicant has amended claim 5 to include that the first member and the second member are retained together after removal from said bore. Applicant has broadened claim 5 with this amendment. In light of the arguments made above, no claim amendments are necessary to overcome the rejections.

Since claims 6, 7, and 8 depend from claim 5, Applicant respectfully requests withdrawal of the rejection of these claims for at least the reasons stated above.

### CLOSING

Applicant has cancelled claims 2, and 9-14; amended claims 1, 4, 5 and 6; and added claims 15-23. Applicant respectfully requests a Notice of Allowance for pending claims 1, 3-8, and 15-23. The undersigned welcomes a telephonic interview with the Examiner, if the Examiner believes that such an interview would facilitate review of this Amendment and Response.

Respectfully submitted

By: 

John V. Daniluck  
Reg. No. 40,581  
Woodard, Emhardt, Naughton,  
Moriarty & McNett  
Bank One Center/Tower  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

**VERSION WITH MARKED CHANGES****IN THE CLAIMS**

**Claims 2 and 9-14 have been cancelled without prejudice to their consideration in a continuing application.**

**Claims 15-23 have been added.**

**Claims 1, 4, 5 and 6 have been amended as follows:**

1. (Once Amended) A pneumatic paintball gun, comprising:  
a gun body having first, second and third bores formed at least partially therethrough;  
wherein the first, second and third bores have respective first, second and third longitudinal axes;  
wherein the first, second and third longitudinal axes are parallel to one another; and  
wherein lines drawn connecting the first, second and third axes in a plane perpendicularly intersecting the first, second and third axes form [a] an equilateral triangle.

4. (Once Amended) A pneumatic gun for shooting a paintball, comprising:  
a gun body having first, second and third bores, said first, second and third bores having respective first, second and third longitudinal axes, the first, second and third longitudinal axes being parallel to one another and spaced apart from one another, said first bore having a chamber;

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[a hammer for releasing compressed air into the chamber, said hammer being slidable within said second bore;]

a bolt ], said bolt being slidable within said first bore];

a rod for actuating said bolt, said rod being slidable within said [third] second bore.

5. (Once Amended) A pneumatic paintball gun, comprising:

- a source of compressed air;
- a gun body having a bore with an external opening;
- a pneumatic assembly in fluid communication with said source, said pneumatic assembly having a first member slidably coupled to a second member, said pneumatic assembly being located within said bore; and
- a third member coupled to said bore and covering said opening, said third member being externally accessible and repeatedly removable;

wherein removal of said third member permits said pneumatic assembly to be removed from said bore, and said first member [is retained by] and said second member are retained together after removal from said bore.

6. (Once Amended) The pneumatic paintball gun of claim 5, wherein said pneumatic assembly [is] includes at least one of a pneumatic regulator, pneumatic ram, or pneumatic hammer.